

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/545,834
Attorney Docket No. Q58793

REMARKS

General Remarks

With this Amendment, Applicants amend Claim 90 to correct minor informalities. No new matter is added. Claim 88 is canceled. Claims 1-70, 72-87 and 89-91 are all the claims currently pending in the present application. Claims 2, 3, 6-32, 42-65, and 75-79 are withdrawn. Therefore, Claims 1, 4, 5, 33-41, 66-70, 72-74, and 80-87, and 89-91 are all the claims currently under consideration.

The Examiner has reviewed and considered the references cited in the Information Disclosure Statement filed May 10, 2004.

Allowed Claims

Claims 1, 4, 5, 33-41, 66-70, 72-74, and 81-87 are allowed. Applicants note that the Examiner incorrectly lists withdrawn Claims 31 and 57 as allowed on the Office Action cover sheet and on page 3 of the Office Action, respectively.

Claims 80 and 89-91

Claims 80, 89-91 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Hoen et al., U.S. Patent No. 6,325,354 ("Hoen"). Applicants respectfully traverse this rejection.

Regarding Claim 80, Applicants submit that Hoen fails to disclose or suggest an "ink flow passage communicating the ink storage unit and the recording head" and a "valve control chamber which constitutes a part of the ink flow passage," as claimed.

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Regarding the ink flow passage, the Examiner refers to Hoen supply line 17 of Figure 1 as disclosing this limitation. Indeed, as shown in Figure 1 and as described at col. 3, lns. 58-59, supply line 17 communicates the remote reservoir 13 with the pan 15. However, regarding the valve control chamber, the Examiner refers to element 111 (valve) of Figure 4 as disclosing this limitation. Contrary to the assertion of the Examiner, however, valve 111 does not constitute part of the supply line 17 (ink flow passage). In fact, supply line 17 is not illustrated in Figure 4. Rather, as illustrated in Figure 2 and as discussed at col. 4, lns. 3-14, the valve of Hoen is contained within the pen 15, and does not constitute part of the supply like 17.

Regarding Claim 89, Applicants submit that these claims are patentable at least by virtue of their dependence on Claim 80.

Further regarding Claims 90 and 91, Applicants submit that Hoen fails to disclose or suggest “the diaphragm being deformable such that only the exit port is closed by the diaphragm when a negative pressure is applied to the valve control chamber.” (Claims 90 and 91 recites: “wherein the actuation body closes the exit port when a negative pressure is applied to the valve control chamber”) .The Examiner fails to particularly point out any portion of Hoen which discloses or suggests closing an exit port when a negative pressure is applied to a valve control chamber. In fact, not only does Hoen fail to disclose or suggest this limitation, Hoen specifically discusses that the fluid pressure in the valve chamber is “relatively constant,” and that “there are no significant pressures which prevent the valve from opening and closing.” (Abstract).

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Therefore, deforming a diaphragm to close an exit port when negative pressure is applied to a valve control chamber would be contrary to the disclosure of Hoen.


Therefore, for at least those reasons set forth above, Applicants submit that Hoen fails to anticipate any of Claims 80 and 89-91, and respectfully request that the rejections thereof be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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